REMARKS

Claims 1-14 were presented and examined. In response to the Office Action, Claims 1 and 10 are amended. Claims 15 and 16 were cancelled previously. Claims 1-14 remain in the Application. Reconsideration of the pending claims is respectfully requested in view of the above amendments and the following remarks.

I. Claims Rejected Under 35 U.S.C. §103

Claims 1-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication 2003/0125040 to Walton, et al. ("Walton," previously cited) in view of U.S. Publication 2003/0128674 to Kong, et al. ("Kong").

Applicants amend independent Claims 1 and 10 to more clearly point out that the transmit power is equal to "a sum of a first compensated power value Pmean, a second compensated power value Pstd, and one or more additional power values, wherein Pmean corresponds to a difference between the mean of the SNRs and a predefined mean SNR for the determined antenna method, the modulation and the encoding method, and Pstd corresponds to the normalized standard deviation of the SNRs." Support for the amendment can be found, for example, at page 23, line 21- page 24, line 8 of the specification.

The Examiner recognizes that Walton does not teach "wherein the transmit power is determined based on a transmit power determined according to the mean of the SNRs and an increasing transmit power determined according to the normalized standard deviation of the SNRs," but relies on Kong for supplying these missing elements.

However, Kong does not disclose the amended limitations. Rather, Kong discloses that the requested bit rate change is granted by a base station when the average SNR on the reverse link is less than or equal to a threshold minus the standard deviation of the SNR (paragraph 152). Kong does not specifically disclose how the transmit power value is computed. There is also no indication in Kong as to how the transmit power value is related to granted rate change. Thus, the cited references do not teach or suggest each of the elements of the amended Claims 1 and 10, as well as their respective dependent claims.

Independent Claims 6 and 14 recite an adaptive receiver and receiving method, respectively. Walton does not disclose the calculation of normalized standard deviation of the SNRs. The Examiner relies on Kong for disclosing that the parameters sent from the receiver back to the transmitter includes an average and a standard deviation of the SNR. However, Kong merely discloses the use of standard deviation of the SNR to determine whether a transmission bit rate can be changed. Kong does not disclose measuring the normalized standard deviation of the SNRs in a single code block. There is no indication in King that the measured normalized standard deviation of the SNRs is relating to a single code block. Thus, the cited references do not teach or suggest each of the elements of the amended Claims 6 and 14, as well as their respective dependent claims.

For at least the reasons mentioned above, the combination of Walton in view of Kong does not teach each of the elements of independent Claims 1, 6, 10 and 14, as well as their respective dependent claims. Accordingly, reconsideration and withdrawal of the §103 rejection of Claims 1-14 are respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all claims are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: November 12, 2008

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I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

Alexandra Y. Caluen November 12, 2008